

# CHANGES

—IN THE—

General Statutes of 1878,

EFFECTED BY THE

GENERAL LAWS OF 1879 AND 1881,

Arranged with reference to the Chapter and Section Amended.

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SAINT PAUL:  
WEST PUBLISHING COMPANY.  
1883.

ment not exceeding one year in the state prison, or both such fine and imprisonment, and shall be liable to treble the damages sustained by any person injured by such violation. (*Id.* § 3.)

See page 923.

\*§ 13. **Permitting glandered animal to run at large—penalty.** Any person being the owner of any horse or other animal, or having the same in his care or under his control, having the disease known as the glanders, who shall knowingly permit such animal to run at large or be driven upon any of the highways of this state, or who shall sell or in any manner dispose of the same to any other person, or any hotel keeper or keeper of any public barn who shall knowingly permit any horse or other animal having such disease to be stabled in such public barn, shall be guilty of a misdemeanor, and upon conviction before any justice of the peace of any such offence shall be punished by a fine of not more than one hundred dollars or less than twenty-five dollars, or be imprisoned in the county jail not more than ninety days or less than ten days. (1868, c. 59, § 1, *as amended* 1879, c. 46, § 1.)

See page 924.

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## CHAPTER CIII.

### DEMANDING FUGITIVES FROM JUSTICE.

Add to § 1, p. 927:

*provided, however,* that the governor when issuing his warrant shall deliver the same to the sheriff or some other public officer of any county in this state, and such officer, upon receipt of such warrant, shall have power to arrest and detain in his custody the person whose surrender is demanded; but no such person arrested upon such warrant shall be delivered to the agent designated therein, or to any other person, until the person so arrested and whose surrender is demanded shall be notified of the demand made for his surrender, and of the nature of the criminal charge made against him, and not until he has had an opportunity to apply for a writ of *habeas corpus*, if he claims such right, of the officer making the arrest. When such writ is applied for, notice thereof and of the time and place of the hearing thereon shall be given to the attorney general or other prosecuting officer of the judicial district in which the arrest is made. Any sheriff or other officer making such arrest, who shall deliver over to the agent named in such warrant, or to any other person, for extradition, the person so in his custody under such warrant, without having complied with the provisions of this act, shall upon conviction thereof be fined in any sum not exceeding one thousand dollars, or imprisoned in the common jail of the county not exceeding six months, or be subject to both fine and imprisonment at the discretion of the court. (*As amended* 1879, c. 44, § 1.)

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## CHAPTER CVI.

### EXAMINATION OF OFFENDERS, COMMITMENT FOR TRIAL, AND TAKING BAIL.

\*§ 34. **Surrender of principal by bail.** Whenever the surety or sureties for any person held to answer upon any charge or otherwise, or any of them, shall believe that the person or principal for whom they are such sureties is about to abscond, or that he will not appear as required by [the] recognizance or other instrument of bail, which they have executed with or for him, or that he will not otherwise perform the conditions thereof, such sureties or bail, or either of them, may arrest and take such principal, or cause him to be arrested and taken, as hereinafter stated, before the officer who admitted him to bail, or the judge of the court before which person

or principal was required thereby to appear, and surrender him up to such officer or judge; such surety or sureties, or either of them, may have such person or principal so arrested by the sheriff of the county by delivering to such sheriff a certified copy of the recognizance, or instrument of bail, under which he or they are held as sureties, with a direction to such sheriff indorsed thereon, requiring him to arrest such principal, and bring him before such officer or judge, to be so surrendered, and it shall be the duty of such sheriff, upon the receipt of any such copy so indorsed, and a tender or payment to him of his fees for so doing, to so arrest such principal and bring him before such officer or judge to be so surrendered. (1881, c. 105, § 1.)\*

\*§ 35. **Sheriff to be notified of proposed surrender.** Before any such surety or sureties shall personally so surrender the person for whom he or they are bail, the sheriff of the county shall be notified to be, and he or one of his deputies shall be, present to take such person so surrendered into custody, if he fails or refuses to give new bail, as herein provided. (*Id.* § 2.)

\*§ 36. **Commitment of party surrendered.** When any such person is so surrendered, the officer or judge to whom he is surrendered shall, by a new commitment, commit him to jail, unless he shall give sufficient bail with new sureties, as he was required by law to do in the first instance. (*Id.* § 3.)

\*§ 37. **Fees of sheriff.** The sheriff is allowed the same fees and mileage for making an arrest or attending before said officer or judge under this act as he is allowed for arresting a person under a bench warrant; and in all cases his fees shall be paid by the surety or sureties surrendering any principal as herein provided for. (*Id.* § 4.)

See page 937.

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## CHAPTER CVII.

### GRAND JURIES.

§ 60. **Indictment to be presented, filed and recorded.** Whenever an indictment is found it shall be immediately presented by the foreman in the presence of the grand jury to the court and filed with the clerk to be recorded in a book kept for that purpose, as soon as the arrangement shall have been made, the same to remain in the office of said clerk as a public record. (*As amended* 1881, c. 47, § 1.)

\*§ 61. **Clerk to certify to the record.** The clerk shall certify at the bottom of the record that he has compared the same with the original indictment, and that it is a true copy thereof. (*Id.* § 2.)

\*§ 62. **Effect to be given to the record of indictment.** The record of such indictment shall have all the force and be of the same effect for all the purposes required as the original indictment, and although such indictment should be lost or mislaid, or should for any reason not be before the court, any proceeding may be had upon the record aforesaid in the same manner and with the same effect as if the original indictment was before the court; and in such case no trial, conviction, or sentence shall be invalid by reason of the fact that such original indictment has disappeared from the files of the court, in such case, after the recording of such indictment. (*Id.* § 3.)

See page 942.

(Grand juries in Crow Wing county. See 1881, c. 82, § 66. *Ante*, p. 95.)

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## CHAPTER CXVI.

### CHALLENGING JURORS.

§ 23. **Exception or denial of challenge.** The adverse party may except to the challenge in the same manner as to a challenge to a panel, and the same proceedings shall be

(\*An act to provide for the surrender of a principal by his sureties or bail. Approved March 7, 1881.)